IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 1837 of 2007(R)

PETITIONER:

THE CHERTHALA CO-OPERATIVE URBAN
BANK LTD. NO.2655, CHERTHALA,
ALAPPUZHA DISTRICT, REPRESENTED BY ITS
SECRETARY.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:

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1. THE RESERVE BANK OF INDIA,
REPRESENTED BY ITS REGIONAL DIRECTOR,
URBAN BANKS DEPARTMENT, THIRUVANANTHAPURAM.

2. THE ASSISTANT GENERAL MANAGER,
RESERVE BANK OF INDIA,
URBAN BANKS DEPARTMENT, BAKERY JUNCTION,
THIRUVANANTHAPURAM.

3. THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.

BY ADV. SRI.P.JACOB VARGHESE, SC, RBI
BY SENIOR GOVERNMENT PLEADER SHRI P.K. RAVIKRISHNAN R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 A TRUE COPY OF THE COMMUNICATION DATED 4.1.1985 ISSUED BY THE IST RESPONDENT TO THE PETITIONER SOCIEITY.

EXHIBIT P2 A TRUE COPY OF THE COMMUNICATION RECEIVED DATED 29.8.1986.

EXHIBIT P3 A TRUE COPY OF THE REPLY SUBMITTED EXHIBIT P2.

EXHIBIT P4 A TRUE COPY OF THE COMMUNICATION RECEIVED FROM THE IST RESPONDENT DATED 11.8.1987.

EXHIBIT P5 A TRUE COPY OF THE REPLY SUBMITTED TO EXHIBIT P4 DATED 14.8.1987.

EXHIBIT P6 A TRUE COPY OF THE COMMUNICATION DATED 7.12.1987.

EXHIBIT P7 A TRUE COPY OF THE FORWARDING LETTER DATED 21.12.1987 ALONG WITH THE PROFORMA.

EXHIBIT P8 A TRUE COPY OF THE COMMUNICATION DATED 15.11.1988.

EXHIBIT P9 A TRUE COPY OF THE COMMUNICATION DATED 3.5.1989.

EXHIBIT P10 A TRUE COY OF THE PROFORMA APPLICATION IN FORM NO.4 DATED 5.5.1989.

EXHIBIT P11 A TRUE COPY OF THE COMMUNICATION DATED 21.6.1989.

EXHIBIT P12 A TRUE COPY OF THE COMMUNICATION DATED 25.6.1999.

EXHIBIT P13 A TRUE COPY OF THE COMMUNICATION DATED 23.11.2005.

EXHIBIT P14 A TRUE COPY OF THE COMMUNICATION DATED 31.5.2006 ISSUED BY THE FIRST RESPONDENT.

EXHIBIT P15 A TRUE COPY OF THE NEWS PAPER PUBLICATION PUBLISHED IN MATHRUBHUMI DAILY DATED 21.9.2006.

EXHIBIT P16 A TRUE COPY OF THE LETTER DATED 23.9.2006 TO THE FIRST RESPONDENT.

EXHIBIT P17 A TRUE COPY OF THE COMMUNICATION DATED 12.10.2006.

EXHIBIT P18 A RUE COPY OF THE REPLY TO EXHIBIT P17 DATED 24.10.2006.

RESPONDENTS' EXHIBITS: NIL

K. PADMANABHAN NAIR, J.

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W.P(C). NO. 1837 OF 2007

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Dated this the 14th day of February, 2007

J U D G M E N T

The Cherthala Co-operative Urban Bank Ltd. has filed this Writ Petition complaining the inaction on the part of the first respondent, Reserve Bank of India, in considering and passing orders on Exhibit P10 application filed by the Bank fro granting licence.

2. Shri Jacob Varghese, learned Standing Counsel appearing for the first respondent, submitted that the petitioner is using the nomanclature as 'Bank' without obtaining necessary licence from the Reserve Bank of India and also doing banking business, which is illegal. It is submitted that first respondent has every right to proceed against the petitioner.

3. I am not considering the right of the first respondent to proceed against the petitioner in this Writ Petition. If there is any violation, it is open to the first respondent to proceed against the erring party. But that is not a ground for not considering the application filed by the petitioner under the provisions of the

Statute.

In the result, Writ Petition is disposed of with a direction to the first respondent to consider and pass appropriate orders in the application, if any, filed by the petitioner seeking issuance of licence expeditiously, at any rate, within a period of two months from the date of receipt of a copy of this judgment. It is made clear that I have not expressed any opinion regarding the contentions raised by the counsel for the first respondent that the petitioner is doing banking business in violation of the Banking Regulations. If there is any such violation, it is for the first respondent to proceed against the petitioner in accordance with law.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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. R.P. NO.

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O R D E R

4TH JANUARY, 2007